

Message Text

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ACTION EUR-25

INFO OCT-01 ISO-00 ACDA-19 SCI-06 FEAE-00 EA-11 AEC-11

CIAE-00 H-03 INR-11 IO-14 L-03 NSAE-00 OIC-04 OMB-01

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TRSE-00 RSC-01 NSC-07 DODE-00 DRC-01 /170 W

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R 011637Z AUG 74

FM AMEMBASSY BONN

TO SECSTATE WASHDC 4153

INFO AMEMBASSY LONDON

AMEMBASSY PARIS

AMEMBASSY MOSCOW

USMISSION NATO BRUSSELS

USMISSION BERLIN

C O N F I D E N T I A L SECTION 01 OF 02 BONN 12191

E.O. 11652: GDS

TAGS: PARM, PGOV, WB, US, FR, UK, GW

SUBJECT: BACTERIOLOGICAL WEAPONS CONVENTION:

EXTENSION TO BERLIN

SUMMARY. IN A MEETING JULY 31 FOREIGN OFFICE POLITICAL DIRECTOR VAN WELL ASKED AMBASSADOR HILLENBRAND FOR RE-CONSIDERATION OF THE US POSITION OPPOSING EXTENSION OF THE BACTERIOLOGICAL WEAPONS CONVENTION TO BERLIN. WHILE STATING THAT WE WOULD CONSIDER THE GERMAN VIEWS (VAN WELL HANDED OVER AN AIDE MEMOIRE) THE AMBASSADOR SAID WE MUST ASSUME STRONG SOVIET OBJECTIONS TO EXTENSION AND, GIVEN THE CLEARLY SECURITY CONTENT, THE SOVIET POSITION WOULD NOT BE EASY TO REFUTE. END SUMMARY.

1. VAN WELL ASKED AMBASSADOR HILLENBRAND TO COME TO THE FOREIGN OFFICE AND BROUGHT UP FIRST OF ALL THE QUESTION OF THE EXTENSION OF THE BACTERIOLOGICAL
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WEAPONS CONVENTION TO BERLIN (THE OTHER TOPIC OF THE

MEETING, BERLIN ACCESS MATTERS, REPORTED SEPTEL). VAN WELL RECALLED ALLIED OBJECTIONS TO EXTENSION AND NOTED THAT THE RATIFICATION PROCESS HAD NOT BEEN STARTED IN THE BUNDESTAG BECAUSE BERLIN WAS NOT INCLUDED. THE MATTER HAD BEEN DISCUSSED IN THE BONN GROUP, WHERE THE US HAD EXPRESSED RESERVATIONS BECAUSE OF THE SECURITY CONTENT OF THE CONVENTION. THE POINT HAD BEEN MADE THAT SINCE ALLIED TROOPS WERE IN BERLIN, WEST BERLIN WAS COVERED BY THE CONVENTION WITHOUT NEED FOR EXTENSION OF FRG LEGISLATION. THE FRG WAS NOW ASKING FOR RECONSIDERATION. VAN WELL NOTED THE FRG OBLIGATION TO EXTEND INTERNATIONAL AGREEMENTS TO BERLIN UNLESS, AS HE PUT IT, THEY WERE EXCLUSIVELY RELATED TO SECURITY AND STATUS. THE B-WEAPONS CONVENTION COVERED RESEARCH AND DEVELOPMENT, MATTERS OUTSIDE THE STRICTLY SECURITY FIELD. THE CONVENTION THUS CONTAINED ASPECTS--ECONOMIC FACTORS ALSO--WHICH ARE NOT REPEAT NOT COVERED BY VIRTUE OF THE FACT THAT ALLIED FORCES IN BERLIN ARE THEMSELVES COVERED. VAN WELL SAID THERE WERE "GRAY AREA" AGREEMENTS OF MIXED CONTENT, FOR EXAMPLE THE SEABED TREATY AND THE NON-PROLIFERATION TREATY WHICH HAD BEEN EXTENDED TO BERLIN, THE KOMMANDATURA ACCEPTING A BERLIN CLAUSE IN THE PROCESS. PERHAPS IT WOULD BE POSSIBLE TO EXTEND ALSO THE B-WEAPONS CONVENTION BY MODIFYING THE BERLIN CLAUSE.

2. THE AMBASSADOR SAID WE WOULD STUDY THE GERMAN POSITION AS SET FORTH IN THE AIDE MEMOIRE AND IN VAN WELL'S REMARKS. THERE WERE CLEARLY PROBLEMS DUE TO THE PRECEDENTS THAT HAD BUILT UP AND ALSO DUE TO SOVIET ATTITUDES. THEIR PAST PROTESTS AGAINST THE EXTENSION OF FRG LAWS AND TREATIES TO BERLIN ON THE GROUNDS THAT SECURITY AND STATUS WERE INVOLVED HAD BEEN FIRMLY MET BY THE ALLIES WHEN, IN THEIR VIEW, SECURITY AND STATUS WERE NOT AFFECTED. IT WAS, HOWEVER, IMPLICIT IN THE ALLIED POSTURE THAT WHEN CASES AROSE GENUINELY AFFECTING SECURITY, THE ALLIES WOULD TAKE APPROPRIATE ACTION. THE AMBASSADOR RECALLED THAT THERE WERE KOMMANDATURA LAWS ON THE BOOKS PROHIBITING WEAPONS RESEARCH IN BERLIN. IT MIGHT BE DIFFICULT TO CONTEST THE INEVITABLE

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SOVIET POSITION THAT THE B-WEAPONS CONVENTION WAS PRIMARILY A SECURITY MATTER SINCE ITS THRUST WAS WEAPONS PRODUCTION. THE AMBASSADOR SAID WE WOULD STUDY THE POSSIBILITY OF SEPARATING THE SECURITY AND NON-SECURITY ASPECTS OF THE CONVENTION, BUT IT MIGHT NOT BE POSSIBLE TO DO THIS. WE UNDERSTOOD THAT THE FRENCH WERE IN AGREEMENT WITH THE US POSITION, WHILE THE UK TENDED TO FAVOR EXTENSION BECAUSE OF THEIR CONCERN FOR

THE UNIVERSALITY ASPECT. WE WOULD TAKE THESE VIEWS INTO ACCOUNT. HOWEVER, WE SHOULD HAVE NO ILLUSIONS ABOUT SOVIET ATTITUDES. THEY WOULD REGARD EXTENSION AS A FLAGRANT VIOLATION OF ALLIED SECURITY AND STATUS RESERVATIONS. WE WOULD BE WILLING TO DISCUSS THE MATTER IN THE BONN GROUP OR BILATERALLY.

3. THE GERMANS RETURNED TO THE POINT THAT THE NPT HAD

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ALSO A WEAPONS PRODUCTION OR SECURITY ASPECT, BUT THERE HAD BEEN NO DIFFICULTY IN EXTENDING IT. THE BUNDESTAG WOULD NOT UNDERSTAND HOW IT WAS POSSIBLE TO EXTEND IN THE ONE CASE AND NOT IN THE OTHER. THE FRG HAD SIGNED THE ABC WEAPONS CONVENTION IN 1954, BUT SPECIFIC NEW LEGISLATION WOULD HAVE TO BE PASSED WHEN THE B-WEAPONS CONVENTION CAME BEFORE THE BUNDESTAG FOR RATIFICATION.

VAN WELL WONDERED WHETHER, SINCE THERE WERE VARYING DEGREES OF SECURITY AND STATUS CONTENT IN TREATIES, IT MIGHT NOT BE POSSIBLE FOR THE THREE POWERS TO SET UP A SYSTEM FOR, AS IT WERE, ESTABLISHING THE SECURITY AND STATUS PERCENTAGE OF THE TOTAL CONTENTS OF A GIVEN TREATY. POSSIBLY IT MIGHT BE USEFUL TO DISCUSS SUCH AN IDEA WITH THE SOVIETS. VAN WELL SAID HE WAS MOVED IN THIS DIRECTION BY THE IDEA THAT THE FRG GOVERNMENT WOULD HAVE AN EASIER TIME WITH THE BUNDESTAG IF IT COULD STATE THAT A GIVEN TREATY OR AGREEMENT DID OR DID NOT EXCEED THE PERMISSIBLE PERCENTAGE LEVEL. COMMENT: VAN WELL'S IDEA SOUNDS LIKE A RESOUNDING NON-STARTER. END COMMENT.

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NOT EXCEED THE PERMISSIBLE PERCENTAGE LEVEL. COMMENT: VAN WELL'S IDEA SOUNDS LIKE A RESOUNDING NON-STARTER. END COMMENT.

4. ORIGINAL OF GERMAN AIDE MEMOIRE WILL BE POUCHED DEPARTMENT/CE.
HILLENBRAND

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